

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 15, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:05 a.m. The meeting was recessed by Mayor Golding at 10:11 a.m. to convene the Redevelopment Agency Meeting. The regular meeting was reconvened by Mayor Golding at 10:12 a.m. with all Council Members present. Council Member Vargas and Mayor Golding welcomed Professor Phil Saenz and his class from Southwestern College who were attending the meeting today to see the City Council in action. Mayor Golding recessed the meeting at 12:35 p.m. to reconvene at 2:00 p.m.

Mayor Golding reconvened the meeting at 2:06 p.m. with Council Member Warden not present. The meeting was adjourned by Mayor Golding at 3:09 p.m. into Closed Session in the twelfth floor conference room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present

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- (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Fishkin (ms/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-330:

(Continued from the meetings of February 11, 1997, Item 330; April 15, 1997, Item 330; and April 29, 1997, Item 330; last continued at the request of Councilmember Mathis.)

SUBJECT: Matter of the appeals by La Jolla Town Council and Promote La Jolla Inc./La Jolla BID, from the decision of the Planning Commission in approving the request for the Green Dragon Colony Coastal Development, Sensitive Coastal Resource, La Jolla Planned District Permit No. 95-0318; Certifying DEP-95-0318.

(CDP/SCR/LJPDO-95-0318. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; and adopt Subitem B to deny the appeal and grant the permits:

Subitem-A: (R-97-) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-95-0318 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-) ADOPTED AS RESOLUTION R-288961
GRANTING THE APPEAL AND DENYING THE
PERMITS

Adoption of a Resolution granting or denying the appeal and granting or denying the permits, with appropriate findings to support Council action.

The La Jolla Community Planning Group has recommended approval.

SUPPORTING INFORMATION:

The appeal is being requested in regard to a Coastal Development/Sensitive Coastal Resource/La Jolla Shores Planned District permit CDP/SCR/LJPDO-95-0318 for the demolition of approximately 3,781 square-feet of existing commercial structures and construction of approximately 15,133 square-feet (includes basement area) of new retail and restaurant uses. The project also includes the construction of four residential town homes, totaling approximately 18,271 square-feet in the La Jolla Shores Planned District.

LEGAL DESCRIPTION:

The .91 acre subject property is more particularly located at 1258-1274 Prospect Street and 1241-1255 Coast Boulevard (Lots 30-32, Block 59, La Jolla Park, Map-352).

Appellants:
La Jolla Town Council
Promote La Jolla, Inc/La Jolla BID.

FILE LOCATION: SUBITEMS A&B: PERM-CDP/SCR/LJPDO-95-0318

COUNCIL ACTION: (Tape location: A090-D287.)

Hearing began at 10:14 a.m. and halted at 12:35 p.m.

Council Member Warden left at 12:33 p.m.

Testimony in opposition by Louis Wolfsheimer, Chris Stokes, George Hauer, Paul Kennerson, Robert Collins, Martin Mosier, Orrin Gabsh, Courtney Coyle, JoAnn Pearson, Megan Lee, Lynn Heidel, Janet Anderson, Ronald Zappardino, Ron Buckley, Dan Snyder, Marcia Nervo, Brad Young, and Ruby Eichler.

Testimony in favor by Mark Lyon, Mike McDade, Don Allison, Marie Lia, Dick Smith, Lincoln Foster, and John Henderson,

MOTION BY MATHIS TO GRANT THE APPEAL AND DENY THE PERMITS.
Second by Kehoe.

Substitute motion by McCarty to continue this item for three months to give Mayor Golding and Council Member Mathis an opportunity to work with the business and property owners to solve the problems. Second by Wear. Failed. Yeas: 2,5,7. Nays: 1,3,4,6,8,M. Not Present: None.

Original motion by Mathis passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO OCTOBER 21, 1997

(Continued from the meetings of April 15, 1997, Item 331 and May 13, 1997, Item 333; last continued at the City Manager's request for further review.)

SUBJECT: Four actions related to the Improvement of Alley Block 3, Fortuna Park, 1911 Improvement Act.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-647)

Resolution of Feasibility for the improvement of Alley Block 3, Fortuna Park under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-B: (R-97-648)

Resolution ordering the work for the improvement of Alley Block 3, Fortuna Park under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-C: (R-97-649)

Resolution approving the City Engineer's Report submitted in connection with the Improvement of Alley Block 3, Fortuna Park.

Subitem-D: (R-97-650)

Resolution adopting the plans and specifications for Alley Block 3, Fortuna Park under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

CITY MANAGER SUPPORTING INFORMATION:

This proposed public improvement is a property owner initiated project under the provisions of the Improvement Act of 1911. This act provides the means to install public improvements, apportion the cost of such improvements to the benefitting parcels of land and issue ten year, fully amortized bonds repaid in semiannual installment payments of principal and interest.

The property owners reside in the block bounded by Pacific Beach Drive, Fortuna Avenue, Promontory Street and Ingraham Street. The proposed improvements include grading and eighteen inch (18") storm drain. Seventy percent (70%) of the property owners (measured by area) benefitting from this improvement have shown their support for the project. The owners of sixty-one percent (61%) of the property area have signed a petition requesting the improvements. Waivers of protest for alley improvements were obtained for nine percent (9%) of the property area. The waivers were obtained as a condition of approval of building permits, recorded with the County Recorder's office and are on file with the City of San Diego. The City recently conducted a postcard survey to determine the current property owner support for this project. This survey was warranted by the passage of time (more than two years) and a significant increase in the estimated costs of the improvements from those shown in the original petition (current estimated costs \$190,000; original estimated costs \$50,000). We mailed postcards to each of the twenty-five (25) property owners. The results of this property owner survey are as follows:

	Parcel Area	Percentages Voting	Total
No Response	0.6888	0.0	28.6
In Favor	1.0308	60.0	42.8
Opposed	.6888	40.0	28.6
Total	2.4084	100.0	100.0

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A004-060.)

CONSENT MOTION BY KEHOE TO CONTINUE TO OCTOBER 21, 1997 AS REQUESTED BY ASSISTANT CITY MANAGER CULBRETH-GRAFT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Cypress Valley Planned Residential Development
Amendment, Rezone, Tentative Map, Development Agreement
Amendment and Street Vacation of Bethesda Way;
Certifying DEP-96-0315.

(PRD/RZ/TM-96-0315. Miramar Ranch North Community
Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and F; adopt Subitems D and E to grant the
permit and maps; and introduce the ordinances in Subitem B
and C.

Subitem-A: (R-97-1419) ADOPTED AS RESOLUTION R-288962

Adoption of a Resolution certifying that the
information contained in Environmental Mitigated
Negative Declaration DEP-96-0315 has been completed in
compliance with the California Environmental Quality
Act of 1970 and State guidelines, and that the
declaration has been reviewed and considered by the
Council pursuant to California Public Resources Code
Section 21081.

Subitem-B: (O-97-116) INTRODUCED, TO BE ADOPTED JULY 29,
1997

Introduction of an Ordinance rezoning from
A-1-10/Hillside Review Overlay Zone to R1-5000/Hillside
Review Overlay Zone.

Subitem-C: (O-97-117) INTRODUCED, TO BE ADOPTED JULY 29,
1997

Introduction of an Ordinance approving an amendment to
Development Agreement No. 88-0913.

Subitem-D: (R-97-) ADOPTED AS RESOLUTION R-288963
GRANTING THE PERMIT

Adoption of a Resolution granting or denying the
Permit, with appropriate findings to support Council
action.

Subitem-E: (R-97-) ADOPTED AS RESOLUTION R-288964
GRANTING THE TENTATIVE MAP

Adoption of a Resolution granting or denying Tentative
Map TM-96-0315, with appropriate findings to support
Council action.

Subitem-F: (R-97-1421) ADOPTED AS RESOLUTION R-288965

Adoption of a Resolution authorizing the vacation of
Bethesda Way as provided for under Section 66499.20-1/2
of the State Map Act.

SUPPORTING INFORMATION:

The project proposes to subdivide a 51.13 acre site into 188
lots, including 180 residential lots, seven open space lots
and one non-buildable lot and a development agreement
amendment to develop all single-family residential units
where the Development Agreement calls for partial
multi-family development with alternative compliance for
brush management and a street vacation of Bethesda Way.
Adoption of the proposed rezoning from A-1-10/Hillside
Review Overlay Zone to R1-5000/Hillside Review Overlay Zone
would allow implementation of the proposed project in the
Miramar Ranch North Community Plan area.

LEGAL DESCRIPTION:

The project site is more particularly described as being located between Cypress Canyon Road to the north, Spring Canyon Road to the south, and Elderwood Lane to the east (the North West 1/4 of the South East 1/4 of Section 27, Township 14 South, Range 2 West, excepting Map-10977 and Lots 23 & F of Map-13206) in the Miramar Ranch North Community Plan Area.

CITY MANAGER SUPPORTING INFORMATION:

The vacant 51.13 acre site is located on the south side of Cypress Canyon Road between Semillon Road and Elderwood Lane within the Miramar Ranch North Community Planning Area. The subject site is designated for low to medium residential development and is currently zoned A-1-10, R1-5000 and Hillside Review Overlay zone. The project is to subdivide the parcel into 188 lots, including 180 residential single-family lots, seven open space lots, and one non-buildable lot.

The project site consists of 2 separate parcels of land which would be combined into one Planned Residential Development. The proposal includes a tentative map, street vacation, rezone, and an amendment to Planned Residential Development PRD-89-0550. The project also requires an amendment to Development Agreement No. 88-0913 which would allow the deletion of language requiring that portions of the subject property be utilized for multi-family development.

The proposed map and street vacation are consistent with the General Plan, the Miramar Ranch North Community Plan, requirements of the R1-5000 Zone and with the subdivision regulations. Staff recommends approval of Tentative Map, Street Vacation, Rezone, Planned Residential Development PRD-96-0315 and Amendment to Development Agreement No. 88-0913 subject to conditions.

On May 29, 1997, the Planning Commission voted unanimously (5-0-0) to recommend to the City Council approval of the proposed project.

FILE LOCATION: SUBITEMS A&D: PERM-PRD/RZ/TM-96-0315;
SUBITEMS B&C: NONE; SUBITEM E:
SUBD-Cypress Valley; SUBITEM F:
STRT-J-2875

COUNCIL ACTION: (Tape location: A004-060.)

Hearing began at 10:05 a.m. and halted at 10:11 a.m.

CONSENT MOTION BY KEHOE TO ADOPT SUBITEMS A AND F; ADOPT SUBITEMS D AND E TO GRANT THE PERMIT AND MAPS; AND INTRODUCE THE ORDINANCES IN SUBITEMS B AND C. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Great Western Bank - Rezone and Planned Commercial Development Permit amendment; Certifying DEP-96-7235.

(RZ/PCD-96-7235. Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; adopt Subitem C to grant the permit; and introduce Subitem B:

Subitem-A: (R-98-31) ADOPTED AS RESOLUTION R-288967

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-96-7235 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-98-9) INTRODUCED, TO BE ADOPTED
JULY 29, 1997

Introduction of an Ordinance to rezone from Commercial Office (CO) to Neighborhood Commercial (CN).

Subitem-C: (R-98-) GRANTED PERMIT, ADOPTED AS
AMENDED AS RESOLUTION R-288968

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

A matter of a proposal to rezone an existing developed site from Commercial Office (CO) to Commercial Neighborhood (CN) and amend Planned Commercial Development Permit (PCD) No. 12, to utilize a vacant building, formerly used by Great Western Savings Bank, to now be occupied by retail businesses in the Clairemont Mesa Community Plan Area.

LEGAL DESCRIPTION:

The project site is located at 5075 Clairemont Drive and more particularly described as Lot 57, Clairemont Manor Unit 4, Map-3016; and Lot 4, Block 1, Bay Hills Mesa Subdivision, Map-2189.

FILE LOCATION: SUBITEMS A&C: PERM - RZ/PCD-96-7235;
SUBITEM B: NONE

COUNCIL ACTION: (Tape location: E008-306.)

Hearing began at 2:06 p.m. and halted at 2:30 p.m.

Council Member Warden entered at 2:08 p.m.

Testimony in favor by Gary Wood.

MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS WITH THE PERMIT CONDITION ADDRESSING THE HOURS OF OPERATION TO BE FROM 6:00 A.M. TO 12:00 MIDNIGHT; HOWEVER, IF THE BUSINESS BECOMES A NUISANCE, USING A REASONABLE PERSON STANDARD, THEN THE MATTER MAY BE DOCKETED FOR THE COUNCIL TO CONSIDER AMENDING THIS CONDITION. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Matter of the amendments to the First San Diego River Improvement Project Specific Plan (FSDRIP), Mission Valley Community Plan, and the Progress Guide and General Plan. (Mission Valley West).

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-1429) ADOPTED AS RESOLUTION R-288969

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-35-0397 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-1430) ADOPTED AS AMENDED AS RESOLUTION
R-288970

Adoption of a Resolution amending the Mission Valley Community Plan, the First San Diego River Improvement Project (FSDRIP) Specific Plan, and the City of San Diego Progress Guide and General Plan.

SUPPORTING INFORMATION:

The Mission Valley Community Plan was adopted by the City Council in 1985. The 16-acre Mission Valley West site was designated for Multiple Use. "Multiple Use" is described in the Mission Valley Planned District Ordinance as a project containing two or more significant revenue-producing uses in a physically integrated project which would create a 24-hour cycle of activity. Multiple use projects should include people-oriented spaces, uninterrupted pedestrian connections, and separate vehicular access and delivery loading areas. The community plan encourages the inclusion of restaurants and theaters in retail projects. The First San Diego River Improvement Project (FSDRIP) Specific Plan covers 261 acres within the Mission Valley Community. The Specific Plan was first approved by the City Council in November 1982, and has been amended six times since. The Specific Plan was designed to improve and realign the San Diego River to limit flooding and increase the supply of developable land; to develop

LEGAL DESCRIPTION:

FILE LOCATION: SUBITEMS A&B: LAND - (Mission Valley
Community Plan) FSDRIP - First San Diego
River Improvement Plan

Hearing began at 2:31 p.m. and halted at 3:08 p.m.

Testimony in favor by David Hokanson and Keith Ray.

MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS APPROVING THE AMENDMENTS TO THE FSDRIP SPECIFIC PLAN, THE MISSION VALLEY COMMUNITY PLAN, THE PROGRESS GUIDE AND GENERAL PLAN, AND CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION CONDITIONED UPON AND SUBJECT TO THE PAYMENT OF AN AMOUNT THAT WAS BASED ON THE TOTAL AVERAGE DAILY TRIPS THAT THE PROJECT WILL GENERATE BEYOND THE EXISTING USES ON THE SITE. THE FEE WOULD BE DUE UPON ISSUANCE OF THE FIRST BUILDING

PERMIT AND WOULD BE REQUIRED TO BE USED BY THE CITY WITHIN TWO YEARS FOR PROJECTS TO IMPROVE THE MISSION CENTER ROAD CORRIDOR. Second by Wear.

ACCEPT COUNCIL MEMBER KEHOE'S AMENDMENT TO THE MOTION AND SECOND BY STEVENS TO REQUIRE THIRTY PERCENT LANDSCAPING, OF THE DEVELOPER'S DESIGN, ON THE SITE TO THE EXTENT THAT THEY CAN INTEGRATE ADDITIONAL LANDSCAPING AND MAINTAIN PARKING. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: CONTINUED TO JULY 22, 1997

(Continued from the meetings of June 10, 1997, Item S500, and July 1, 1997, Item 332; last continued at Mayor Golding's request, to allow time for all the information to be available to discuss the item.)

SUBJECT: In the matter of authorizing the joint application of Enova Corporation and Pacific Enterprises for approval by the California Public Utilities Commission, Case No. 96-10-038, and the Federal Energy Regulatory Commission, Case No. EC 97-012-000, of a merger of Enova Corporation and Pacific Enterprises, and related proceedings.

If appropriate or necessary:

1) Give direction to the City Attorney concerning the City's participation in the indicated administrative hearings and related proceedings; and

2) Adopt a position regarding the proposed merger.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A004-060.)

CONSENT MOTION BY KEHOE TO CONTINUE FOR ONE WEEK AS REQUESTED BY CITY ATTORNEY GWINN. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Proposed Rehabilitation Loan Agreement for the Samuel I. Fox Building with 6th and Broadway Associates.

(See Centre City Development Corporation Report dated 6/19/97. Gaslamp Quarter Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1486) ADOPTED AS RESOLUTION R-288966

Determining that the use of funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund to provide funding for a rehabilitation loan agreement with 6th and Broadway Associates for the Samuel I. Fox building at 531 Broadway in the Gaslamp Quarter Sub Area of the Centre City Redevelopment Project will be of benefit to the Horton Plaza Redevelopment Project.

FILE LOCATION: MEET CONTFY98-1

COUNCIL ACTION: (Tape location: A004-060.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Housing Trust Fund Three-Year Program Plan for Fiscal Years 1998-2000 and Fiscal Year 1998 Implementation Strategy.

(See Housing Commission Report HCR-97-002.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-1415) CONTINUED TO JULY 22, 1997

Approving the San Diego Housing Trust Fund Three-Year Program Plan Fiscal Year 1998 to Fiscal Year 2000 and Fiscal Year 1998 Implementation Strategy.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A004-060.)

CONSENT MOTION BY KEHOE TO CONTINUE TO JULY 22, 1997 AS REQUESTED BY HOUSING COMMISSION EXECUTIVE DIRECTOR MORRIS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:09 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F257.)